

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

PATRICK EALY, #2107526,

Petitioner,

v.

TDCJ-CID,

Respondent.

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Case No. 6:20-cv-576-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Petitioner Patrick Ealy, a Texas Department of Criminal Justice inmate, proceeding pro se, filed this federal petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to United States Magistrate Judge, the Honorable John D. Love, for findings of fact, conclusions of law, and recommendations for disposition.


On January 7, 2021, Judge Love issued a Report and Recommendation recommending that the Court deny the petition without prejudice for want of prosecution and failure to obey a Court order. Judge Love also recommended that a certificate of appealability be denied. Docket No. 10. While Petitioner filed a letter, received January 22, 2021, he has not filed substantive objections. Docket No. 11. Further, Petitioner has failed to comply with the deficiency orders entered on September 15, 2020 (Docket No. 2) and November 3, 2020 (Docket No. 8).

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and

Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Petitioner did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 10) as the findings of this Court. This petition for habeas corpus is hereby **DENIED** and this action is **DISMISSED WITHOUT PREJUDICE** for want of prosecution and failure to obey a Court order. The Court **DENIES** a certificate of appealability.

So **ORDERED** and **SIGNED** this **10th** day of **February, 2021**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE